

REMARKS

This responds to the Office Action mailed on October 19, 2005, and the references cited therewith.

Claims 1, 5, 11, 12, and 35-37 are amended, claims 13, 15-24, 26-34, 38 and 39 are canceled, and claims 40-44 are added; as a result, claims 1, 2, 4-12, and 35-37, and 40-44 are now pending in this application.

§112 Rejection of the Claims

Claims 1-2, 4-13, 15-24 and 26-36 were rejected under 35 U.S.C. § 112, first paragraph.

The Office Action asserts, “claims 1, 13, 24, 35 and 36 contain the limitation ‘generating software code ... in real-time’.” Applicant has amended claims 1, 2, 4-12, 35, and 36. The amended claims no longer include the cited claim feature. Applicant has canceled claims 13, 15-24, and 26-34. As a result, Applicant submits that it has overcome the rejections under 35 U.S.C. § 112.

§103 Rejection of the Claims

Claims 1-2, 4-13, 15-24 and 26-39 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Quatrani (“Visual Modeling with Rational Rose 2000 and UML”; hereinafter referred to as Quatrani) in view of the online brochure “Accelerating Embedded e-development” located at www.ghs.com/partners/rational/rose-rt.pdf (hereinafter referred to as Accelerating).

The Examiner has the burden under 35 U.S.C. § 103 to establish a *prima facie* case of obviousness. *In re Fine*, 837 F.2d 1071, 1074, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988). To do that the Examiner must show that some objective teaching in the prior art or some knowledge generally available to one of ordinary skill in the art would lead an individual to combine the relevant teaching of the references. *Id.* In order for the Examiner to establish a *prima facie* case of obviousness, three base criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to

make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. *M.P.E.P.* § 2142 (citing *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed.Cir. 1991)).

Discussion of Claims 1, 35, and 36

Claims 1, 35, and 36 each recite "presenting a wagering game having a randomly selected outcome" and "receiving a wager associated with the wagering game". Applicant submits that the combination of Quatrani and Accelerating does not teach or suggest the cited claim features. For at least these reasons, Applicant submits that claims 1, 35 and 36 are allowable.

Discussion of Claims 2, 4-12, and 37

Each of claims 2, 4-12, and 37 depend, directly or indirectly, on claim 1. For at least the reasons noted above, Applicant submits that the combination of Quatrani and Accelerating does not teach or suggest each and every element of claims 2 and 4-12, and 37.

Discussion of Claims 13, 15-24, 26-34, 38 and 39

Applicant has canceled claims 13, 15-24, 26-34, 38, and 39.

Discussion of Claims 40-44

Applicant has added claims 40-44. Applicant submits that the combination of Quatrani and Accelerating does not teach or suggest each and every element of claims 40-44.

Reservation of Rights

Applicant does not admit that documents cited under 35 U.S.C. §§ 102(a), 102(e), 103/102(a), or 103/102(e) are prior art, and reserves the right to swear behind them at a later date. Arguments presented to distinguish such documents should not be construed as admissions that the documents are prior art. Applicant also reserves the right to pursue canceled and originally filed claims in a continuation application. Furthermore, Applicant does not acquiesce to any of the Examiner's assertions about the claims or the cited documents and reserves the right to argue these assertions in the future.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at 281-213-8980 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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By their Representatives,

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Date 1/9/2006

By

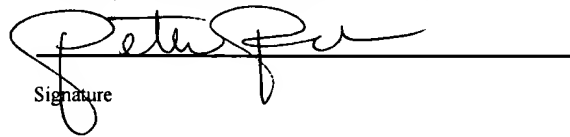


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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 9 day of January, 2006.



Name


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